

GARRITY, GRAHAM, FAVETTA & FLINN

A Professional Corporation

One Lackawanna Plaza

P.O. Box 4205 March 8, 2006

Montclair, NJ 07042

Telephone: 973-509-7500

Attorneys for Plaintiff, Hanover Insurance Company

Our File No. 450.17737/FXG

UNITED STATES DISTRICT COURT

FOR THE STATE OF DELAWARE - MISCELLANEOUS CASE NO. 05-230

HANOVER INSURANCE COMPANY,

Plaintiff

vs.

CANAL INSURANCE COMPANY

Defendant.

UNITED STATES DISTRICT COURT FOR  
THE STATE OF NEW JERSEY

CIVIL ACTION NO. 05-1591

**NOTICE TO TAKE ORAL DEPOSITION**

TO: William H. Howard, Esq.  
Segal, McCambridge, Singer & Mahoney, Ltd.  
United Plaza  
30 S. 17th Street  
Suite 1700  
Philadelphia, PA 19103

SIRS:

**PLEASE TAKE NOTICE** that in accordance with the Federal Rules of Civil Procedure, testimony will be taken by deposition upon oral examination before a person authorized by the laws of the State of Delaware to administer oaths on **August 24, 2006, at 1:00 p.m.** at the offices of **Swartz Campbell, 300 Delaware Avenue, Suite 1130, Wilmington, Delaware**, with respect to all matters relevant to the subject matter involved in this action, at which time and place the testimony of the following persons will be taken:

**SHERMAN DUNN AND LEBERTHA DUNN**

They are to produce at said time and place the following:

1. Any and all registrations, title certificates, evidence of ownership or other documents regarding the ownership of the tractor which had been operated by Sherman Dunn which was at the premises of NCS Enterprises, Millville, New Jersey at the time of Sherman Dunn's accident of October 17, 2003.

2. Any and all registrations, title certificates, evidence of ownership or other documents regarding the ownership of the trailer which had been operated by Sherman Dunn which was at the premises of NCS Enterprises, Millville, New Jersey at the time of Sherman Dunn's accident of October 17, 2003.
3. Any and all registrations, title certificates or other evidences of ownership, as of October 17, 2003, of 1993 International tractor VIN number 1HSRKA5R2PH474937.
4. Any and all registrations, title certificates or other evidences of ownership, as of October 17, 2003, of 1994 Peterbilt tractor VIN number 1XPFD59X4RN344280.
5. Any and all registrations, title certificates or other evidences of ownership, as of October 17, 2003, of 2000 Freightliner tractor VIN number 1FUPFDZB1YLF05754.
6. Any and all registrations, title certificates or other evidences of ownership, as of October 17, 2003, of 1993 Freightliner tractor Vin number 2FUYDXYB4PA416131.
7. Any trip leases pursuant to which Sherman Dunn was to operate motor vehicles for Christiana Motor Freight, which were in effect on October 17, 2003.
8. Any and all documents terminating any trip leases pursuant to which Sherman Dunn was to operate motor vehicles for Christiana Motor Freight subsequent to October 17, 2003.
9. Any and all 1099 forms furnished to Sherman Dunn by Christiana Motor Freight for the years 2000, 2001, 2002 and 2003.
10. Any W-2 forms furnished by Christiana Motor Freight to Sherman Dunn for the years 2000, 2001, 2002 and 2003.
11. Any and all tax returns for Sherman Dunn for the years 2000, 2001, 2002 and 2003.
12. Any and all registrations, title certificates, other evidence of ownership or other documents relating to the ownership of all vehicles insured under any policies of automobile insurance, truckers insurance or other motor vehicle insurance issued by Canal Insurance Company to Christiana Motor Freight, which policies were in effect on October 17, 2003.
13. Any and all policies of automobile liability insurance, truckers insurance, or any other motor vehicle insurance issued by Canal Insurance Company to Christiana Motor Freight, which policies were in effect on October 17, 2003.
14. Any and all documents setting forth and/or relating to the license plate number for the tractor which had been operated by Sherman Dunn and which was at the premises of NCS Enterprises, Millville, New Jersey on October 17, 2003.

15. Any and all documents reflecting or relating to the license plate number of the trailer attached to the tractor which had been operated by Mr. Dunn and which was being unloaded at the premises of NCS Enterprises in Millville, New Jersey on October 17, 2003.
16. Any and all documents reflecting or relating to the license plate number of 1993 International tractor VIN number 1HSRKA5R2PH474937, 1994 Peterbilt tractor VIN number 1XPFD59X4RN344280, 2000 Freightliner tractor VIN number 1FUPFDZB1YLF05754, and 1993 Freightliner tractor VIN number 2FUYDXYB4PA416131.
17. Any and all documents relating to the license plate number of all tractors insured under all policies of automobile insurance, truckers insurance or other motor vehicle insurance issued by Canal Insurance Company to Christiana Motor Freight which policies were in effect on October 17, 2003.
18. Any and all documents indicating the I.C.C. number of Christiana Motor Freight, Inc. on October 17, 2003.
19. Any and all documents indicating whether Christiana Motor Freight's name, I.C.C. number and/or decal were on the tractor being used by Sherman Dunn on October 17, 2003 at the premises of NCS Enterprises, Millville, NJ.
20. Any and all documents setting forth the exact I.C.C. number, name of Christiana Motor Freight, or other information which was on the tractor being used by Sherman Dunn on October 17, 2003 at the premises of NCS Enterprises, Millville, NJ at the time of Mr. Dunn's accident, including, but not limited to, whether Christiana Motor Freight's name, I.C.C. number and/or other information was on said tractor.
21. Any and all apportioned cab cards for 1993 Freightliner tractor VIN No. 2FUYDXYB4PA416131.
22. Any and all registrations for 1993 Freightliner tractor VIN No. 2FUYDXYB4PA416131.
23. Any and all documents relating to the sale by Sherman Dunn of 1993 Freightliner tractor VIN No. 2FUYDXYB4PA416131.
24. Any and all documents relating to the ownership of 1993 Freightliner tractor VIN No. 2FUYDXYB4PA416131 as of October 17, 2003 or at any other time.
25. Great American Assurance Company Policy No. ATP 9-81-35-09-0, issued to Sherman Dunn for the period 2/1/03 to 2/1/04.

  
FRANK R. CINQUINA

Dated: August 8, 2006

M:\Data\CLI\450\177\37\Subpoenas\Notice for Dep Notice-Sherman & Lebertha Dunn for 08 24 06 (08 08 06).wpd